

---

**TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

**Emergency Rule**  
LSA Document #16-334(E)

**DIGEST**

Temporarily amends [329 IAC 10-3-1](#) and [329 IAC 10-9-1](#) to incorporate by reference the federal requirements for the operation and closure of a coal combustion residuals impoundment. Effective August 11, 2016.

**SECTION 1. (a) This SECTION supersedes [329 IAC 10-3-1](#)(8).**

**(b) Except for coal combustion residuals impoundments subject to 40 CFR 257, Subpart D, disposal of coal ash transported by water into an ash pond that has received a water pollution control facility construction permit under [327 IAC 3](#).**

**SECTION 2. (a) This SECTION supersedes [329 IAC 10-3-1](#)(9).**

**(b) Except for coal combustion residuals impoundments subject to 40 CFR 257, Subpart D, the operation of surface impoundments; however, the final disposal of solid waste in surface impoundments at the end of their operation is subject to approval by the commissioner, except as excluded under SECTION 1(b) of this document and [329 IAC 10-3-1](#)(10). The commissioner's approval is based on management practices that are protective of human health and the environment.**

**SECTION 3. (a) This SECTION supplements [329 IAC 10-9-1](#).**

**(b) The owner and operator of a coal combustion residuals impoundment subject to 40 CFR 257, Subpart D, shall comply with the requirements for surface impoundments in accordance with 40 CFR 257.50\* through 40 CFR 257.106\*, except the phrase "not to exceed a height of 6 inches above the slope of the dike" is deleted from the following sections:**

- (1) 40 CFR 257.73(a)(4).**
- (2) 40 CFR 257.73(d)(1)(iv).**
- (3) 40 CFR 257.74(a)(4).**
- (4) 40 CFR 257.74(d)(1)(iv).**

**(c) For a coal combustion residuals impoundment subject to 40 CFR 257, Subpart D, final disposal of solid waste in the impoundment at the end of the operation of the impoundment is subject to approval by the commissioner, based on the requirements for coal combustion residuals impoundments in 40 CFR 257.50\* through 40 CFR 257.106\* and on other management practices that are protective of human health and the environment.**

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402, viewed at [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, Thirteenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

**SECTION 4. A variance request from the requirements of this document shall be made in accordance with [IC 13-14-8-8](#).**

*LSA Document #16-334(E)  
Filed with Publisher: August 11, 2016, 12:11 p.m.*

*Posted: 08/17/2016 by Legislative Services Agency  
An [html](#) version of this document.*